

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action issued March 20, 2008.

Claims 1-9 were rejected in the Office Action. In response to the rejection, Applicant amends Claims 1-9 and respectfully requests a reconsideration of the rejection. Claims 1-9 remain in this Application after the present Amendment.

Claims 1, 3, 4, 5, 8 and 9 were rejected in the Office Action under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,846,035 to Wong et al (“Wong”). Claims 2, 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wong.

Independent Claims 1, 3 and 4 recite a method, device and computer program, respectively, for regulating the air resistance between a leading vehicle and an unconnected following vehicle during driving. The regulation is accomplished by an active boundary layer control (4) positioned on the leading vehicle. As more particularly described in the specification, the active boundary layer control regulates a magnitude of a wake formed behind the leading vehicle by “sucking or blowing air” to cause the air to “flow round the vehicle without separation, thereby reducing the magnitude of the wake 2.” (See, page 4, lines 4-9). Further, regulation of the magnitude of the wake formed behind the leading vehicle depends on the distance detected between the leading and the following vehicles. In other words, operation of the active boundary layer control depends on the relative distance between the moving vehicles that varies during driving depending on different relative speeds of the two moving vehicles.

Wong discloses an adjustable cab extender assembly (200) connecting a tractor (102) to a trailer (104) and including a pair of fixed cab extenders (204) and a pair of dynamic cab extenders (206). (See, Wong, col. 3, lines 65-67 and col. 4, lines 10-13). When the tractor/trailer vehicle is driven at a low speed, i.e., when the tractor/trailer can make turns, dynamic extenders are stowed away allowing the vehicle to turn and allowing a portion of the slipstream (112) to enter the gap between the tractor and the trailer. (See, Wong, Fig. 4). When the tractor/trailer is driven at a high speed, dynamic extenders are moved into their fully extended position allowing the slipstream to flow along the sides of the trailer. (See, Wong, Fig. 7).

In contrast with recitations of Claims 1, 3 and 4, Wong does not disclose use of an active boundary layer control to regulate air resistance between unconnected moving vehicles. Instead,

use of dynamic extenders of Wong is restricted to the described tractor/trailer combination. Moreover, the disclosure of Wong is clear that regulation of the air flow by the dynamic extenders depends solely on the speed of the entire vehicle and not any variable distance between the tractor and the trailer. Specifically, Wong states:

More specifically, as the speed of the vehicle 100 increases, the ability of the tractor 102 to turn relative to the trailer 104 is gradually reduced due to the increased speed of the vehicle 100. Thus, the trailing edges 270 of the dynamic cab extenders 206 may approach closer to the front end 110 of the trailer 104 as the speed of the vehicle 100 increases. The amount of increased extension of the outer panel 216 relative to a corresponding increase in the speed of the tractor 102 is a design choice, depending upon the vehicle 100 and its maximum turning radius at a given speed.

(See, Wong, col. 8, lines 13-23).

Accordingly, even though the length of the dynamic cab extenders (206) may be varied to accommodate different rig set-ups (see, Wong, col. 8, lines 28-31), regulation of the air flow is based solely on the speed of the tractor/trailer and not on any varying distance between the tractor and the trailer. Therefore, Wong does not disclose or even suggest using an active boundary layer control positioned on a leading vehicle to regulate a magnitude of a wake formed behind the leading vehicle in accordance with a detected distance between the leading and the following unconnected vehicle, as required by Claims 1, 3 and 4.

Claims 1, 3 and 4 are allowable over the prior art of record. Moreover, Claims 2 and 5-9, which depend from Claims 1, 3 or 4, are also allowable at least for the same reasons as Claims 1, 3 and 4 and, further, on their own merits.

Claim 9 was objected to in the Office Action because it recites a device but was dependent on a method claim. Applicant corrected dependency of Claim 9.

Claims 6 and 7 were rejected in the Office Action under 35 U.S.C. 112, second paragraph. Applicant corrected recitations of Claims 6 and 7 to more particularly recite that the active boundary layer control reduces the magnitude of the wake as the distance between the leading and the following vehicles increases, and increases the magnitude of the wake as the

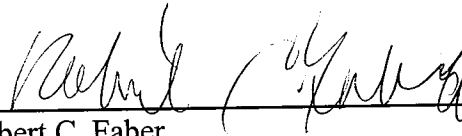
distance between the leading and the following vehicles decreases.

Favorable reconsideration of the rejection and allowance of Claims 1-9 pending in the Application is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert C. Faber', is written over a horizontal line.

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